

REMARKS

Claims 1-15 and 17-29 are pending in this application. By this amendment, applicants have amended claims 1, 9, 14, 17 and 28.

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. §§102/103:

Claims 1-4, 6-10, 13-15, 17, 21-23 and 25-28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Windows Task Manager, (c) 1981-2001, MS Corp. (hereinafter “the Widows reference”) in view of NeXT Step 3.3 Copyright (c) 1995 by NeXT Computer Inc.) (hereinafter “the NeXT reference”).

Claims 5 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Windows reference in view of the Next reference and further in view of US2002/0191029 to Gillespie et al.

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Windows reference in view of the Next reference and further in view of U.S. 5,910,802 to Shields et al.

Claims 1, 14, 17 and 28 are independent.

In the Office Action, claim 1 was asserted to be unpatentable as obvious based on the Task Manager list of applications shown in the Windows reference, in view of the application dock disclosed in the NeXT reference.

The Task Manager window shown in the Windows reference displays a list of applications that are currently running. In other words, the Task Manager window displays a list containing only those applications that have already been activated by the user. An application

that had not been activated would simply not appear in the list. Accordingly, the Windows reference does not teach or suggest “a list of menu options associated with active applications and inactive applications”, as required by amended claim 1.

Moreover, the status indicators of the Windows reference do not convey information regarding whether an application has not been activated. As such, the Windows reference also does not teach or suggest “determin[ing] whether an application associated with a menu option is active *or inactive* and associate[ing] *a corresponding status indicator* with the menu option”, as further required by claim 1.

As the Task Manager of the Windows reference is intended to display a list of currently running applications, it would not have been obvious to one of ordinary skill in the art to adapt the list to provide a menu including a list of menu options associated with active and inactive applications. Consequently, it would not have been obvious to one of ordinary skill in the art to combine the required features of the Task Manager list of the Windows reference with the application dock of the NeXT reference, since the list and dock serve fundamentally different purposes and the modification would be incompatible with, and of no benefit to, the Task Manager list.

Accordingly, Applicant respectfully submits that the subject matter of amended claim 1 is novel and non-obvious over the Windows reference in view of the NeXT reference. Claims 14, 17 and 28, as amended, include features similar to those found in amended claim 1, and thus, are allowable for at least the same reasons as set forth above in urging the allowance of claim 1.

Dependent Claims:

Applicant does not believe it necessary at this time to address the rejections of the dependent claims as Applicant believes that the foregoing places the independent claims in condition for allowance. Applicant, however, reserves the right to address those rejections in the future should such a response be deemed necessary and appropriate.

CONCLUSION

Applicant respectfully submits that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

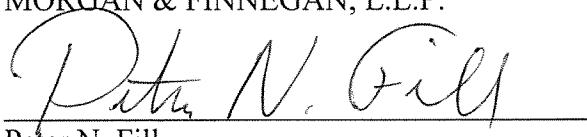
AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required by this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4252.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4252.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: December 3, 2008

By: 
Peter N. Fill
Registration No. 38,876

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101
(212) 415-8700 Telephone
(212) 415-8701 Facsimile